

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

XANADU MANAGEMENT &)	
CONSULTING CORP,)	Case No. 8:24-cv-03626-PX
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

MOTION TO STAY DISCOVERY IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of discovery in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal defendant. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal defendant are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of discovery until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that the plaintiff consents to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay discovery in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

DATED: October 1, 2025

/s/ Olga L. Tobin
OLGA LYSENKO TOBIN
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 227, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6322
Fax: (202) 514-6866
E-mail: Olga.L.Tobin@usdoj.gov
Counsel for the United States

CERTIFICATE OF SERVICE

I, Olga Lysenko Tobin, hereby certify that, on October 1, 2025, I caused the above motion and proposed order to be electronically filed and served via ECF on all parties receiving ECF notice.

/s/ Olga L. Tobin
OLGA L. TOBIN
Trial Attorney, Tax Division
U.S. Department of Justice